

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EXHIBIT
P

TRACEY WHITE, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Cause No. 14-cv-01490-HEA
)	
THOMAS JACKSON, et al.,)	
)	
Defendants.)	

DEPOSITION OF JUSTIN COSMA

Taken on behalf of the Plaintiffs

October 29, 2015

Reported by: Christine A. LePage, CCR #1000

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1 were accused of?

2 A What you just stated, the hogtieing and assault.

3 Q And did you hogtie and assault that 12-year-old?

4 A No.

5 Q But that case was settled?

6 A Yes.

7 Q Okay. Have you had any other complaints lodged
8 against you?

9 A Yes.

10 Q All right. How many?

11 A I don't know specific numbers.

12 Q Is it over or under ten?

13 MR. PLUNKERT: Calls for speculation. You can
14 answer.

15 A I don't know if it was over or under ten.

16 Q (by Mr. Shabazz) Okay. So let's talk about
17 these complaints. How long have you been employed -- How
18 long have you been employed with the police department
19 right now?

20 A With what city?

21 Q In your current position.

22 A Approximately six months.

23 Q Six months. Okay. Now, prior to that you
24 were --

25 A A police officer.

1 Q With who?

2 A City of Ferguson.

3 Q Ferguson, okay. How long?

4 A Approximately two and a half years.

5 Q Okay. And prior to that what was your
6 employment?

7 A Jefferson County sheriff's office.

8 Q Sheriff. How long?

9 A The second time I was employed with the
10 sheriff's office was approximately four months, the first
11 time four and a half years.

12 Q Okay. So you were employed there once for four
13 months, a second time four months, first time four and a
14 half years?

15 A Yes.

16 Q What happened?

17 A I moved jobs from the sheriff's office to
18 Georgetown, South Carolina where I was also employed as a
19 police officer with the city.

20 Q Okay. How long did you serve in Georgetown,
21 South Carolina as a police officer?

22 A Approximately four months.

23 Q Four months. Okay. Prior to in the sheriff's
24 office, where did you -- where were you employed?

25 A The City of Wellston.

1 MR. PLUNKERT: Foundation again.

2 Q (by Mr. Shabazz) Now, so since that time,
3 according to what you've told me that you have -- You
4 started in Ferguson in what year? Strike that. You
5 started in Ferguson in what year?

6 A 2012.

7 Q 2012. So these complaints that we spoke about
8 earlier, all of them have come while you've been in
9 Ferguson; is that right?

10 MR. PLUNKERT: Object to form and foundation.

11 A Could you re- -- or could you say your
12 question --

13 Q (by Mr. Shabazz) How many complaints have been
14 filed against you since you began at Ferguson?

15 MR. PLUNKERT: Foundation. You may answer.

16 A None that I recall.

17 Q (by Mr. Shabazz) You had no complaints in
18 Ferguson?

19 MR. PLUNKERT: Same.

20 A As far as documented complaints that were, I
21 guess, investigated by the police department, there was
22 none. People come in and complain with reference to
23 citations they were issued that they felt they didn't
24 deserve, so on and so forth, as far as that.

25 Q (by Mr. Shabazz) Okay. But you said earlier

1 son, William Davis, allege that you and several officers,
2 some of them were carrying rifles, sticks, and wearing
3 helmets, came into the McDonald's and arrested them. Do
4 you recall that incident?

5 MR. PLUNKERT: Objection to the form and to the
6 foundation. You may answer.

7 A Do I remember what incident?

8 Q (by Mr. Shabazz) Do you remember that incident?

9 MR. PLUNKERT: Same objections.

10 A I don't know what incident you're referring to.

11 Q (by Mr. Shabazz) The incident where -- Do you
12 remember going into the McDonald's?

13 A Do I remember going into the McDonald's?

14 Q Do you remember making an arrest in McDonald's
15 on August the 13th?

16 A I never made an arrest at McDonald's. I
17 assisted with St. Louis County in making an arrest.

18 Q Okay. So you assisted with St. Louis County in
19 making an arrest. Okay. So tell me what you remember
20 about that specific arrest. Let's talk about that arrest
21 and then I'll come back to my other questions. On that
22 day, what prompted you to go into the McDonald's?

23 A I was approached by a St. Louis County police
24 officer in a white shirt who advised -- or asked if I
25 could assist them with just basically -- if they needed

1 help me better answer your question, sir, to help me
2 recollect the events that happened on that day. If you
3 had something you could place in front of me that would
4 help me remember, I would be more than glad to look at it.

5 Q (by Mr. Shabazz) But I'm just asking you simply
6 do you remember making any arrests?

7 A Besides assisting with the arrest of Ryan J.
8 Reilly in the McDonald's, I do not remember if I made any
9 other arrests between the dates and times you have
10 specified.

11 Q Okay. Did you disperse any crowds in that time
12 period, between -- on the days of August 11th, 12th, 13th?

13 A Did I solely disperse crowds?

14 Q Did you participate in the dispersal or
15 dispersion, dispersal of crowds?

16 A Yes.

17 Q Okay. And how did you go about doing that?

18 A I assisted with St. Louis County police
19 department and stood by for assistance.

20 Q Okay. What methods did you use to disperse the
21 crowds?

22 A I didn't use any methods.

23 Q Okay. You say you assisted?

24 A Right.

25 Q Okay. How did you assist?

1 instructed at any point by your supervisors on which
2 demonstrators were to be dispersed or not to be dispersed?

3 A All that was dealt with by the St. Louis County
4 police department and their higher-ups, I didn't make that
5 decision. I don't make those decisions who to disperse
6 and who not to disperse.

7 Q Give me one moment. Okay. And so you say -- Is
8 it your testimony that you did not participate in the
9 arrest of Tracey White?

10 A I don't know who Tracey White is.

11 Q You don't know who Tracey -- You don't remember
12 a Tracey White?

13 A I don't know Tracey White. I've never come in
14 contact with Tracey White.

15 Q Okay. All right. Give me one moment.

16 MR. PLUNKERT: Can we go off the record?

17 MR. SHABAZZ: Yeah, let's go off the record for
18 a minute.

19 (Whereupon a five-minute recess was taken.)

20 Q (by Mr. Shabazz) All right. I have no further
21 questions.

22

23 CROSS-EXAMINATION

24 QUESTIONS BY MR. HUGHES:

25 Q I have a few questions, just so I understand.